

REMARKS

1. 35 USC §102(b) Claim Rejection

The Examiner rejected Claims 1-3 under 35 USC §102(b) as being anticipated by Wang et al. The Examiner specifically mentioned the compound denoted at "Hapten II" (p. 3331). Applicant has amended Claim 1 to disclaim this compound. Claims 2 and 3 are dependent on Claim 1. Applicant submits that this amendment is sufficient to overcome the rejection.

2. 35 USC §103(a) Claim Rejection

The Examiner rejected Claims 1-10 under 35 USC §103(a) as being obvious over Defossa et al (US 6,506,778). The Examiner states that the compound of formula I taught in Defossa et al is of the same scope of the compound of formula I of the instant claims. Applicant respectfully disagrees. The phenyl group of formula I in the '778 patent is **always substituted by -X-R7** wherein X is O or S and R7 is (C₁-C₁₀)-alkylene-COOH, (C₆-C₁₀)-alkylene-COO-(C₁-C₆)-alkyl, (C₁-C₁₀)-alkylene-CONH₂, (C₁-C₁₀)-alkylene-CONH-(C₁-C₆)-alkyl, (C₁-C₁₀)-alkylene-CON-[(C₁-C₆)-alkyl]₂, (C₁-C₁₀)-alkylene-NH₂, (C₄-C₁₀)-alkylene-NH-(C₁-C₆)-alkyl, (C₁-C₁₀)-alkylene-N[(C₁-C₆)-alkyl]₂, or (C₁-C₁₀)-alkylene-B; wherein B is (C₃-C₇)-cycloalkyl, phenyl, pyrrolyl, imidazolyl, thiazolyl, azetidyl, thienyl, piperidinyl, pyrrolidinyl, morpholinyl, pyridyl-methyl, or furyl wherein these groups are optionally substituted. In contrast, the instantly claimed compounds are substituted by R8, R9, R10 and R11 each of which is defined as H, F, Cl, Br, OH, NO₂, CN, O-(C₁-C₆)-alkyl, O-(C₂-C₆)-alkenyl, O-(C₂-C₆)-alkynyl, O-SO₂-(C₁-C₄)-alkyl, (C₁-C₆)-alkyl, (C₂-C₆)-alkenyl or (C₂-C₆)-alkynyl, wherein said alkyl, alkenyl, and alkynyl groups are optionally substituted by F, Cl or Br.

There is no teaching or suggestion that the groups which define -X-R7 are in any way equivalent to the groups which define R8, R9, R10 and R11. Applicant asserts that, absent this teaching or suggestion, the rejection is improper and should be withdrawn.


3. Double Patenting Rejection

The Examiner rejected Claims 1-10 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of US Patent No. 6,506,778. Once again, Applicant respectfully disagrees that the compound of formula I taught in the '778 patent is of the same scope of the compound of formula I of the instant claims. Applicant herein repeats the arguments above concerning the §103(a) claim rejection.

Conclusion

In view of the amendment and arguments herein, Applicant submits that the application is now in condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Barbara E. Kurys", is written over a horizontal line.

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